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2077

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/870,876
	Filing Date	May 30, 2001
	First Named Inventor	Kennth MCGREER
	Group Art Unit	2877
	Examiner Name	K. Kianni
Total Number Of Pages In This Submission	9 pages + 1 reference	Attorney Docket No. 373722001600

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TECHNOLOGY CENTER 2807**ENCLOSURES (check all that apply)**

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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Form PTO-1449 + duplicate copy - 2 pages
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return receipt postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018
Signature	Johney U. Han (Registration No. 45,565)
Date	April 11, 2003

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Tamara Alcaraz

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Tamara Alcaraz

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4-15-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kenneth MCGREER

Serial No.: 09/870,876

Filing Date: May 30, 2001

For: ARRAYED WAVEGUIDE GRATING
WITH WAVEGUIDES OF UNEQUAL
WIDTHS

Examiner: K. Kianni

Group Art Unit: 2877

TECHNOLOGY CENTER 2800

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RESPONSE TO RESTRICTION REQUIREMENT/ELECTION OF SPECIES

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated March 12, 2003 (Paper No. 5), for which a response was due on April 12, 2003. Accordingly this response is timely filed.

Applicant hereby elects Group I (claims 1-32), with traverse. Applicant hereby further elects the following species, with traverse, from each of the sub-species groups as follows: Group A, species directed to equation 11a (claim 12); and Group B species directed to $|w_N - w_1|$ between about $0.5 \mu\text{m}$ and about $5 \mu\text{m}$ (claim 28). Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant believes that no undue burden exists for any search for examination of each of the species. The requirement by the Office that Applicant select a sub-species across each of the species indicates that they are not mutually exclusive. Furthermore, the Office Action suggests that there is no "generic claim" present in this application; however, Applicant respectfully must disagree by pointing to independent claim 1 which encompasses each species as defined by the Examiner.

Accordingly, Applicant traverses this restriction requirement and election of species requirement and respectfully request that the restrictions be withdrawn. Applicants further request examination of the elected subject matter on the merits.

Applicant requests examination of the elected subject matter on the merits.

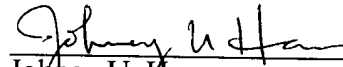
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 373722001600. However,

the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: April 11, 2003

By:



Johny U. Han

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